



Winston Hickox
Secretary for
Environmental
Protection



Gray Davis
Governor

MINUTES OF
REGULAR MEETING
Thursday and Friday, September 19-20, 2002
REGIONAL WATER QUALITY CONTROL BOARD

Thursday, September 19, 2002, 1:50 p.m.

Chairman Gary Shallcross called the meeting of the Central Coast Regional Water Quality Control Board to order at 1:50 p.m. on September 19, 2002, in the Salinas City Council Chamber Rotunda, 200 Lincoln Avenue, Salinas, California.

1. Roll Call..... Executive Assistant Carol Hewitt

Board Members Present:

Chairman Gary Shallcross
Co-Vice Chair Leslie Bowker
Co-Vice Chair Bruce Daniels
John Hayashi
Russell Jeffries
Donald Villeneuve
Jeffrey Young

Absent: Daniel Press
Marco Rizzo

2. Introductions..... Executive Officer Roger Briggs

Executive Officer Briggs introduced staff and asked all interested parties to complete testimony cards and turn them in. The State Board Liaison, Gary Carlton, is on vacation at this time and will not be attending this meeting. Supplemental Sheets include sheets for the City of Hollister and other sheets that were distributed today. Copies of all Supplemental Sheets are available

in the Public Box. Supplemental Sheets have been distributed for Item #12, Board Meeting Schedule and for Item #13, Executive Officer's Report: Guadalupe Mitigation Fund, Salinas River Channel Maintenance Project, Impaired Water Bodies List -Olin Corporation, and the Nipomo Oil Site.

3. Approval of Minutes for June 19 and July 12, 2002 Meeting Board Motion

MOTION: Bruce Daniels moved to approve the minutes for the June 19 and the July 12, 2002 meetings. **SECONDED** by Leslie Bowker. **CARRIED** – Unanimously (7-0) for June 19, 2002 and a (6-0) vote for July 12, 2002. [Jeffrey Young abstained from the July 12 vote]

4. Public Forum Chair Shallcross

There was no public comment.

5. City of Hollister (Consideration of Cease and Desist Order) Order Nos. 2002-0105
[Matt Fabry 805/549-3458]

Chair Shallcross read an opening statement and all interested parties were sworn in. He clarified that two hearings will be held; one for the proposed Cease and Desist Order, and one for the Administrative Civil Liability.

Regional Board staff presented information related to proposed Cease and Desist Order R3-2002-0105. Regional Board staff proposed removing the final sentence from proposed Provision #2 related to disclosure of financial impacts to residents, and modifying the Discharger's reporting frequency to monthly, rather than quarterly.

(Chair Shallcross announced a break at 3:35 p.m. The meeting reconvened at 3:45 p.m.)

Following Regional Board staff's presentation and response to Board member questions, the Discharger and its consultants made several presentations and responded to further Board member questions. The Regional Board heard testimony from Monterey County Health Department, the San Benito County Farm Bureau, the Homebuilder's Association of Northern California, South County Housing,

Community Services Development Corporation, San Benito County Private Industry Council, WATCHDOG, and members of the general public. Upon hearing all testimony, the Regional Board Chair closed the public testimony portion of the hearing.

(Chair Shallcross announced a break at 6:30 p.m. The meeting reconvened at 6:40 p.m.)

The Regional Board discussed the proposed exception language in Provision #1 related to the freshman high school campus and fire station. Regional Board legal counsel recommended adding "Section 13267" to the "It is hereby ordered..." language to address report submittal by the Discharger. The Regional Board suggested adding a Finding documenting the Discharger testified it could meet the proposed timelines in the Order, and a requirement that the Discharger notify the Regional Board and obtain Executive Officer approval prior to making any substantial changes to treatment or disposal works, such as removal of material from disposal ponds or breaching of internal berms.

MOTION #1: Russell Jeffries moved to approve Cease and Desist Order No. 2002-0105 as recommended by staff with the following amendments: strikeout the exemption for the high school and the firehouse and delete the last sentence of Provision 2.

MOTION TO AMEND MOTION #1: Leslie Bowker proposed an amendment to the first motion to include the exemption for the high school and the firehouse provided that it does not significantly increase water consumption.

A roll call vote was taken.

Don Villeneuve - Yes

Leslie Bowker - Yes

Bruce Daniels - No

Gary Shallcross - No

John Hayashi - No

Russell Jeffries - No

Jeffrey Young - No

MOTION TO AMEND FAILED TO PASS - (2-5)

VOTE ON MOTION #1: CARRIED - Unanimously (7-0)

6. City of Hollister, (Consideration of ACL) [Matt Fabry 805/549-3458]..... Order No. 2002-0097

Chair Shallcross read an opening statement and all interested parties were sworn in. Regional Board staff presented information related to proposed Administrative Civil Liabilities Order R3-2002-0097. Consistent with the opening statements for both hearings, all testimony from Agenda Item 5 (Cease and Desist Order R3-2002-0105) was entered into the record for this item, however, Regional Board staff emphasized the proposed civil liability was limited to the 15-million gallon sewage spill event. Following Regional Board staff's presentation and response to Board member questions, the Discharger's legal counsel made a presentation and responded to questions. The Regional Board heard testimony from various agencies and members of the public, including the San Benito County Board of Supervisors, the Sunnyslope County Water District, and WATCHDOG. Upon hearing all testimony, the Regional Board Chair

closed the public testimony portion of the hearing. The Regional Board members discussed at length options for direction of penalty monies to projects in San Benito County. The Regional Board discussed tying suspended penalties to the phases in the Cease and Desist order, summarized by the following: 1) By August 1, 2003, reduction of suspended solids in treated effluent at the Domestic Wastewater Treatment Facility to 60 milligrams per liter on a 30-day average, 2) By August 1, 2003, installation of new headworks at the Domestic Wastewater Treatment Facility adequate for accurate flow metering and prevention of nuisance odor conditions, and 3) By October 15, 2005, complete implementation of a Long-term Wastewater Management Program, as required by Provision 7 of Waste Discharge Requirements Order No. 00-020 for the Industrial Wastewater Treatment Facility.

MOTION #1: Russell Jeffries moved to direct staff to prepare a draft ACL order No. 2002-0097 containing the following provisions: \$150,000 to emergency back-up ponds, \$300,000 to recommendations by San Benito County Water District, \$126,000 to low flow fixtures in the City of Hollister, and \$24,000 to staff costs to be presented to the Board at the November meeting for consideration for adoption.

A roll call vote was taken:

Don Villeneuve - No

Leslie Bowker - No

Bruce Daniels - No

Gary Shallcross - No

John Hayashi - No

Russell Jeffries - Yes

Jeffrey Young - No

MOTION FAILED TO PASS – (1-6)

MOTION #2: Jeffrey Young moved to direct Regional Board staff to prepare a draft ACL order No. 2002-0097 containing the following provisions: Increase the assessed liability to \$1.2M, based on testimony prompting changes in the factors in the penalties worksheet, with \$24,000 due and payable to the State Water Resources Control Board because of staff costs, and the remainder suspended based on the City spending \$150,000 for emergency back-up ponds, \$300,000 for a groundwater study (hydrogeologic study of ground and surface water conditions and impacts of wastewater disposal activities at the Domestic and Industrial Wastewater Treatment Facilities, to be conducted in coordination with San Benito County and the San Benito County Water District), \$126,000 for an enhanced water conservation program including low flow fixtures in the City of Hollister, , and the remaining \$600,000 suspended in \$200,000 increments based on compliance by the City with the first three phases of the Cease and Desist Order. **SECONDED by Russell Jeffries. CARRIED – Unanimously (7-0)**

Chair Shallcross adjourned the meeting at 9:15 p.m.

Friday, September 20, 2002, 8:30 a.m.

Chairman Gary Shallcross called the meeting of the Central Coast Regional Water Quality Control Board to order at 8:32 a.m. on September 20, 2002, in the Salinas City Council Chamber Rotunda, 200 Lincoln Avenue, Salinas, California.

Roll Call.....Executive Assistant Carol Hewitt

Board Members Present:

Chairman Gary Shallcross
Co-Vice Chair Leslie Bowker
Co-Vice Chair Bruce Daniels
John Hayashi
Russell Jeffries
Daniel Press
Donald Villeneuve
Jeffrey Young

Absent: Marco Rizzo

Introductions.....Executive Officer Roger Briggs

Executive Officer Briggs introduced staff and asked all interested parties to complete testimony cards and turn them in. Supplemental Sheets include: Item 13/Salinas River Channel Maintenance Project, Olin Corporation site, Nipomo Waste site, Item 12/Board Meeting Schedule 2003, Item 18/Big Basin MMP, Item

17/Brothers Hecker Pass, Item 19/City of Santa Cruz, Item 23/Waiver Policy, and Item 24/San Lorenzo River Siltation TMDL. Copies of all the items are available in the Public Box. Our State Board Liaison, Gary Carlton, is unable to join us today due to a vacation.

Public ForumChair Shallcross

There was no public comment.

8. and 9. Hollister Domestic WWTP and Hollister Industrial WWTP.....Order Nos. 87-47 and 00-020
[Matt Fabry 805/549-3458]

Executive Officer Briggs noted these items were mentioned in the previous opening statements on September 19, 2002. Board members discussed changes to the monitoring and reporting portions of the Hollister Domestic and Industrial Wastewater Treatment Facilities Waste Discharge requirements. Board member Daniels recommended that biosolids monitoring, and levee and river monitoring be included

in monitoring programs of both Orders. Board member Young recommended that nutrient monitoring be added to the Industrial Plant monitoring program. The Board directed staff to advise the Board of changes in the monitoring and reporting programs. The Board took no action on these items.

7. Enforcement Report [Brad Hagemann 805/549-3697].....Status Report

This is a written report. Board member Daniels noted that several violations were listed for the City of Hollister and asked staff to work on addressing them.

10. Report by State Water Resources Control Board Liaison [Gary Carlton 916/341/5603]..... Status Report

No report at this time.

11. Reports by Regional Board Members Status Report

Bruce Daniels and Daniel Press attended the Santa Clara Valley Water District presentation and tour. The tour was worthwhile and Mr. Daniels requested that staff draft a thank you letter to the District. Also, the Water District in his area has written a letter concerning MTBE, sent it to Chevron/Texaco and urged them to ship MTBE-free gasoline to their area.

Jeffrey Young met with the Mayor of Santa Barbara as an interested party to discuss and listen to the City's plans for replacement of its sewer lines. He suggested that the City would serve as a good model for other cities in our Region for their sewer line replacement program. Gary Shallcross attended a Waiver workshop and a Chair's meeting in Sacramento.

12. Board Meeting Schedule for 2003 [Roger Briggs 805/549-3140] Board Motion

Executive Officer Briggs noted some changes made in the Supplemental Sheet as follows: March/SLO, May/Salinas, change December 6 date to December 13, change January 31, 2003 date to February 7, 2003. Board member Young requested that one of the meetings be held in Santa Barbara. Board member

Press requested that the September 19 meeting be moved to September 12. Board member Jeffries suggested that the Chair and the Executive Officer work with the dates and locations.

MOTION: Russell Jeffries moved to accept the proposed Board meeting schedule for 2003 with discussed changes in dates, but the Executive Officer will continue to work on meeting locations. **SECONDED** by Leslie Bowker. **CARRIED – Unanimously (8-0)**

13. Executive Officer's Report Information/Discussion
[The remainder of Item #13 will be taken up at the end of the meeting]

Laura Plaskett, Salinas River Coalition, spoke about significant successes that have resulted from the Salinas River Channel Maintenance program since it was initiated in 1996. The successes include increased recharge in the river channel, increased flood control capacity in the Salinas River, and decreased erosion to stream banks and farmland. She recognized the

dedication of Regional Board staff member, Amanda Bern, for her common sense approach and willingness to work with the Coalition on their 401 application. Board member Jeffries suggested that the Salinas River Coalition make contact with the Moss Landing Harbor District.

14. Low Threat Cases..... Information/Discussion

Executive Officer Briggs noted the following waivers: Remalia Grape Crushing Facility, Las Cruces Water Treatment Plant, The Austin Company, and the City of Santa Barbara. Board member Young asked about the

location of the discharge for the City of Santa Barbara, Waterfront Dept. Mr. Briggs believes the discharge is likely to be located at the unit in the harbor.

15. Uncontested Items Calendar Board Motion

Item #21/Lake San Antonio North Shore Landfill
Closure was recommended for the consent calendar.

MOTION: Bruce Daniels moved to approve the consent calendar. SECONDED by Russell Jeffries. CARRIED – Unanimously (8-0)

16. MTBE Sites [Jay Cano 805/549-3699] Status Reports

Mr. Jay Cano, Senior Engineer provided a status of activities regarding cleanup of the Camp Evers site in Scotts Valley. Instead of discharging treated water to Scotts Valley's sewer, the responsible parties plan to apply for enrollment under the general permit. Staff expects to have an information item at the November 1, 2002 Board meeting.

Following questions about Santa Barbara County sites, staff indicated the next list for the November 1 meeting should be improved from previous lists in response to a recent meeting with County and Regional Board staffs.

(Chair Shallcross announced a break at 9:55 a.m. The meeting reconvened at 10:05 a.m.)

17. Brothers Hecker Pass, Santa Cruz County [Matthew Keeling 805/549-3685] Order No. 2002-0073

Executive Officer Briggs announced that Brothers Hecker Pass has paid the Administrative Civil Liability and waived the hearing. The matter is settled.

18. California Department of Parks, Big Basin State Park MMP, Santa Cruz County [Kimberly Gonzalez 805/549-3150] Order No. 2002-0096

Executive Officer Briggs announced that proposed order for Big Basin allows 60 days to pay the MMP. The hearing was waived.

MOTION: John Hayashi moved to approve Order No. 2002-0096. SECONDED by Bruce Daniels. CARRIED – Unanimously (8-0)

19. Santa Cruz City Dept. of Public Works, Santa Cruz County Order No. 2002-0103
[Todd Stanley 805/542-4769]

Chair Shallcross read an opening statement and all interested parties were sworn in. Regional Board staff, Todd Stanley, provided a brief presentation to the Board regarding staff's recommendation for the imposition of administrative civil liability against the City of Santa Cruz. Staff's recommendation was based

on the City's culpability for the spillage of approximately 35,000 gallons of untreated domestic wastewater on December 2, 2001. Testimony was heard by the Board from representatives of the City of Santa Cruz, and J. Howard Engineering, Inc.

MOTION: Bruce Daniels moved to approve Administrative Civil Liability for Order No. 2002-0103 with language modifications to Paragraphs 4 and 13, regarding damage caused by the discharge. SECONDED by Russell Jeffries.

A roll call vote was taken.

Daniel Press - no

Don Villeneuve – yes

Leslie Bowker - yes

Bruce Daniels - yes

Gary Shallcross – yes

John Hayashi – yes

Russell Jeffries - yes

Jeffrey Young – yes

MOTION CARRIED – (7-1)

20. General NPDES Permit for Discharges from Aquaculture and Aquariums Order No. 2002-0076

Regional Board staff member Matt Thompson delivered a brief presentation of the General NPDES Permit for Discharges from Aquaculture and Aquariums. The presentation focused on the unique requirements of the General Permit and typical facilities that may be covered.

Chair Shallcross requested a more strict definition of aquaculture and aquariums than what was proposed in Finding No. 2. After some discussion among Regional Board members and Mr. Thompson, all agreed to add "aquariums" to the definition. Board member Daniels requested that "or introduced" be added to Finding

38.a, to ensure any exotic species introduced to a facility are properly reported.

Ray Fields, president of The Abalone Farm in Cayucos, expressed support for adoption of the General Permit as a means to protect aquaculture from drastic increases to annual fees being proposed by State Board.

Roger Phillips, of Monterey Bay Aquarium, expressed support for adoption of the General Permit.

MOTION: John Hayashi moved to approve Order No. 2002-0076 with the additions recommended by the Board. SECONDED by Leslie Bowker. CARRIED – Unanimously (8-0)

**22. Former Whittaker Ordnance Facility, San Benito County Status Report
[Hector Hernandez 805/542-4641]**

Hector Hernandez of Regional Board staff gave a presentation covering the status of groundwater investigation and clean up at the former Whittaker Ordnance Facility, San Benito County.

Board Member Daniels asked if the Discharger had been responsive to staff's requests. Mr. Hernandez replied in the affirmative. Board Member Press asked if the site had ever been considered for listing on the

Federal Superfund list. Mr. Hernandez reported that he talked with EPA about the site several times, but EPA never suggested listing it as a Superfund site.

The Discharger's consultant, Mr. Brian T. Kelleher of Kelleher & Associates, attended the meeting to answer questions if needed. No questions were asked of Mr. Kelleher.

(Chair Shallcross announced a break for lunch and the closed session meeting at 12:05 p.m.. The meeting reconvened at 1:45 p.m.)

23. Waiver Policy and Related Actions..... Status Report

Regional Board staff, Eric Gobler, provided a summary of the waiver policy. The legislature required the Regional Boards to review its waiver policies prior to January 1, 2003. Currently there are 26 categories that have been considered. Action by the Board will be in December or shortly thereafter. Mr. Gobler covered the individual "no action" and "action" categories. A status report was sent to over 400 agencies, dischargers, and special interest groups to stimulate interest and create awareness. A letter was recently received from the SLO County Farm Bureau thanking

staff and indicating their support for a new or renewed waiver for agricultural return waters.

Public Testimony:

- John Hewitt/California Farm Bureau Federation, expressed support of the waiver policy.
- Kevin Collins/Lompico Watershed Conservancy, expressed non-support of existing waiver policy for waste discharge management under the California Department of Forestry.

**24. San Lorenzo River Siltation Total Maximum Daily Load.....Resolution No. 2002-0063
[Dominic Roques 805/542-4780]**

Chair Shallcross read an opening statement and all interested parties were sworn in. Regional Board staff, Dominic Roques, gave a presentation about the proposed Basin Plan Amendment, including: adoption of TMDLs for the San Lorenzo River, and Lompico, Carbonera, and Shingle Mill Creeks; adoption of numeric targets for streambed sediment; and adoption of the implementation plan.

After the presentation Board member Daniels raised a question to clarify points on the allocations of sediment. Mr. Press asked whether the Board has the authority to specify riparian setback requirements as BMPs for timber harvesting operations in the San Lorenzo River Watershed. Staff responded that setbacks, or equivalent measures, could be required under the Board's authority to require waste discharge requirements of timber operators on a case-by-case basis. Mr. Press encouraged staff to be proactive in requiring larger setbacks. Mr. Press also asked if not measuring the sediment load over time would present problems in the future when implementing parties want to know if they have reduced their source adequately. Staff responded that the numeric targets measure the effects of loading, and these targets will be the reference for the effects of actions undertaken. Also, staff indicated that effectiveness monitoring of individual erosion control projects is anticipated, and that the results will provide additional information about the effectiveness of these projects in reducing sediment loads.

Public Testimony:

John Ricker, Santa Cruz County Environmental Health Agency, offered support for staff's recommendation.

Bill Vaughn, Registered Professional Forester in Santa Cruz County, expressed his key concern for the staff report's estimates of erosion and sedimentation derived from timber harvest. He indicated these estimates are greatly exaggerated, since they come from a study (Cafferata, 1993) conducted on lands not subject to contemporary timber harvesting methods. He also encouraged staff to include registered professional foresters and erosion control specialists in the working group proposed in the implementation plan.

Bob Berlage, Big Creek Lumber Co., Santa Cruz County, expressed support for Bill Vaughn's comments, stated that Big Creek Lumber Co. is a significant stakeholder in the Watershed, and offered to be involved in any working group or other effort undertaken by the Board to improve timber harvest operations in the Watershed.

Joe Culver, Big Creek Lumber Co., Santa Cruz County, wanted the Board to recognize that Santa Cruz County is unique when it comes to timber harvesting. The County rules are stricter than other region's of the state, practices are better, and a significant part of the rural working population is involved in timber. Mr. Culver also indicated that something has been lost as staff presence at pre-harvest inspections has fallen off in recent years, and more standard language is now inserted into staff recommendations on timber harvest plans. Mr. Culver said staff presence is a good thing for the process of timber harvest planning.

Kevin Collins, Lompico Creek Watershed Conservancy, indicated that the Cafferata (1993) study

underestimates the sediment contribution from timber harvesting activities and is not representative of conditions in the San Lorenzo River Watershed.

Mr. Roques provided staff responses to the commentors.

(Board Member Villeneuve left the meeting at 2:50 p.m.)

MOTION: Russell Jeffries moved to approve Resolution No. 2002-0063. **SECONDED** by Bruce Daniels. **CARRIED – Unanimously (7-0)**

13. Executive Officer's Report [Roger Briggs 805/549-3140]..... Information/Discussion

Executive Officer Briggs noted that the summary of the status of the Morro Bay Shellfish Report and the recommendations from the Technical Advisory Committee will be incorporated into the Morro Bay Pathogen TMDL. On the Guadalupe Settlement, the San Luis Obispo Land Conservancy is proceeding with the Choin Property acquisition. On the Guadalupe Mitigation Fund, Regional Board staff is recommending that the Board approve up to \$70,000 of the excess from the Monarch Lane cleanup to assist a nearby property owner with a cleanup project. Mr. Briggs updated the Board on the Olin Corporation site. All the wells have been identified and sampled. Two of the wells sampled had high contamination levels and

individuals using one of the wells were contacted and advised and alternate water was provided for the individuals. Chair Shallcross asked staff to bring back a recommendation regarding amending the Basin Plan to require secondary treatment for ocean dischargers. Mr. Briggs said staff would do so. Mr. Briggs asked the Board about attendance at the WQCC meeting on November 18-19, 2002. Bruce Daniels will be able to attend. Mr. Briggs noted that the Impaired Waters List has gone before the State Board. A Supplemental Sheet has been prepared to provide an update. Mr. Briggs reminded the Board about the Tajiguas Landfill tour on October 31, 2002.

Chairman Shallcross adjourned the public meeting at 3:10 p.m.

The meeting was audio recorded and the minutes were reviewed by management, and approved by the Board at its November 1, 2002 meeting in San Luis Obispo, California.



Gary Shallcross, Chair